

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Application of: Pasternak et al. Confirmation No. 4859
U.S. Serial No. 10/823,365 Examiner: Mitchell, Gregory W
Filed: April 13, 2004 Group Art Unit: 1617
For: TOPICAL ANESTHETIC/OPIOID FORMULATIONS AND USES
THEREOF

CERTIFICATE OF EXPRESS MAIL

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service in an envelope addressed to MS Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 as "Express Mail Post Office to Addressee" Mailing Label No. EV 722914066 US on May 1, 2006.

Date: May 1, 2006


Edith Sillman

Mail Stop Amendment
Commissioner for Patents
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DECLARATION OF INVENTORS UNDER 37 C.F.R. § 1.132


I declare as follows:

1. I am an inventor of U.S. Patent Application No. 10/823,365 ("the present application") and am familiar with the present application and its prosecution. I am familiar with the Office Action dated November 30, 2006, issued by the United States Patent and Trademark Office in connection with the present application and make this Declaration in response thereto.
2. I am an author of a paper entitled *Analgesic Synergy Between Topical Morphine and Butamben in Mice* that was published in the scientific journal *Anesthesia and Analgesia* (Vol. 97:4, 2003). Furthermore, I performed, supervised, or controlled any experimental work reported therein, in the ordinary course of business. The publication describes the production of synergistic analgesia resulting from the

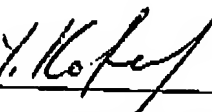
application of a topical butamben and morphine combination. The methods described in the publication were conducted according to the teachings of the specification of the present application, and in particular, as described in the Examples. The results obtained from use of the topical butamben and morphine combination were consistent with the subject matter of the instant patent application (i.e., synergistic combinations of opioids and anesthetics and methods of using the same).

3. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

Dated 3/31/06

By: 
Gavril W. Pasternak M.D., Ph.D.

Dated 03/30/06

By: 
Yuri A. Kolesnikov, M.D., Ph.D.

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